

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

| | | | |
|----|---------------------------|---|---|
| 1 | UNITED STATES OF AMERICA, |) | No. CR-08-173-RHW-4 |
| 2 | |) | |
| 3 | Plaintiff, |) | ORDER GRANTING MOTION AND |
| 4 | |) | SETTING CONDITIONS |
| 5 | v. |) | OF RELEASE |
| 6 | |) | |
| 7 | JASON W. LEE, |) | <input checked="" type="checkbox"/> Motion Granted |
| 8 | |) | (Ct. Rec. 142) |
| 9 | Defendant. |) | <input checked="" type="checkbox"/> Action Required |
| 10 | |) | |
| 11 | |) | |
| 12 | |) | |

Date of Motion hearing: March 11, 2009.

IT IS ORDERED that the release of the Defendant is subject to the following:

STANDARD CONDITIONS OF RELEASE

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct. Defendant shall contact defense counsel at least once a week.

(7) Defendant is further advised, pursuant to 18 U.S.C. § 922(n),

it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

BOND

(8) Defendant shall:

☐ Execute an unsecured appearance bond in the amount of twenty-five thousand dollars (\$25,000.) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ dollars (\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Execute: ☐ \$_____ corporate surety bond
☐ \$_____ property bond
☐ \$_____ cash bond
☐ \$_____ percentage bond, with
\$_____ paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community,

IT IS FURTHER ORDERED that the release of the Defendant is subject to the following additional conditions:

☐ (9) The Defendant is placed with:

Name of person or organization

Address

City and State

Tele. Number

Signature

Date

who agrees to sign a copy of this Order, **to be kept in Pretrial**

1 **Services' file;** supervise the Defendant consistent with all the
 2 conditions of release; use every effort to assure the appearance of
 3 the Defendant at all scheduled court proceedings; and notify the
 4 court immediately in the event the Defendant violates any conditions
 5 of release or disappears.

6 ☐ (10) Maintain or actively seek lawful employment.

7 ☐ (11) Maintain or commence an education program.

8 ☐ (12) Surrender any passport to Pretrial Services and does not
 9 apply for a new passport.

10 ☒ (13) Defendant shall remain in the:

11 ☒ Eastern District of Washington or ☐ State of Washington
 12 while the case is pending. On a showing of necessity, Defendant may
 13 obtain prior written permission to leave this area from the United
 14 States Probation Office.

15 ☐ Exceptions:

16 _____
 17 _____

18 ☐ (14) Avoid all contact, direct or indirect, with any persons who
 19 are or who may become a victim or potential witness in the subject
 20 investigation or prosecution, including but not limited to:

21 _____
 22 _____

23 ☒ (15) Avoid all contact, direct or indirect, with known felons.
 24 *or co-defendant*

25 ☐ (16) Undergo medical or psychiatric treatment and/or remain in an
 26 institution as follows:

26 _____

27 ☒ (17) Refrain from: ☒ any ☐ excessive use of alcohol

28 ☒ (18) There shall be no alcohol in the home where Defendant

1 resides.

2 ☒ (19) There shall be no firearms in the home where Defendant
3 resides.

4 ☒ (20) Refrain from use or unlawful possession of a narcotic drug
5 or other controlled substances defined in 21 U.S.C. § 802, unless
6 prescribed by a licensed medical practitioner.

7 ☐ (21) Except for employment purposes, Defendant shall not have
8 access to the internet.

9 ☐ (22) Defendant may not be in the presence of minors, unless a
10 responsible adult is present at all times.

11 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

12 If Defendant is required to submit to a substance abuse
13 evaluation, inpatient or outpatient treatment, the following shall
14 apply:

15 Defendant shall complete treatment indicated by an evaluation or
16 recommended by Pretrial Services and shall comply with all rules of
17 a treatment program. Defendant shall be responsible for the cost of
18 testing, evaluation and treatment, unless the United States
19 Probation Office should determine otherwise. The United States
20 Probation Office shall also determine the time and place of testing
21 and evaluation and the scope of treatment. If Defendant fails in
22 any way to comply or cooperate with the requirements and rules of a
23 treatment program, Pretrial Services shall notify the court and the
24 U.S. Marshal, who will be directed to immediately arrest the
25 Defendant.

26 Defendant shall participate in one or more of the following
27 treatment programs:

28 ☐ (23) **Substance Abuse Evaluation:** Defendant shall undergo a
substance abuse evaluation:

☐ if directed by a U.S. Probation Officer.

☐ as directed by a U.S. Probation Officer.

☐ Prior to release, Defendant must have an appointment for a
substance abuse evaluation, and the appointment must be
confirmed to the court by Pretrial Services. Defendant will
be released:

☐ one day prior to, or ☐ on the morning of his appointment.

☐ (24) **Inpatient Treatment:** Defendant shall participate in an intensive inpatient treatment program.

☐ Prior to release, an available bed and date of entry must be confirmed by Pretrial Services.

☐ Defendant will be released to an agent of the inpatient program on _____.

☐ Prior to release from inpatient treatment, an outpatient treatment program must be presented to the court. If Defendant does not have a structured outpatient treatment program in place prior to conclusion of her inpatient treatment, Defendant automatically will go back into the custody of the U.S. Marshal.

☐ Following inpatient treatment, Defendant shall participate in an aftercare program.

☒ (25) **Outpatient Treatment:** Defendant shall participate in intensive outpatient treatment.

☒ Prior to release, an appointment for Defendant's first counseling session must be made and confirmed by Pretrial Services. Defendant will be released:

☐ one day prior to, or ☒ on the morning of his appointment

☒ (26) **Other:** Go to pretrial services immediately upon release

☒ (27) **Prohibited Substance Testing:** If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed

1 **six (6) times per month.** Defendant shall submit to any method of
2 testing required by the Pretrial Service Office for determining
3 whether the Defendant is using a prohibited substance. Such methods
4 may be used with random frequency and include urine testing, the
5 wearing of a sweat patch, a remote alcohol testing system, and/or
6 any form of prohibited substance screening or testing. Defendant
7 shall refrain from obstructing or attempting to obstruct or tamper,
8 in any fashion, with the efficiency and accuracy of prohibited
9 substance testing. Full mutual releases shall be executed to permit
10 communication between the court, Pretrial Services, and the
11 treatment vendor. Treatment shall not interfere with Defendant's
12 court appearances.

13 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

14 ☒ (28) Defendant shall participate in one or more of the following
15 home confinement program(s):

16 ☒ **Electronic Monitoring.** The Defendant shall participate in a
17 program of electronically monitored home confinement. The
18 Defendant shall wear, at all times, an electronic monitoring
19 device under the supervision of U.S. Probation. In the event the
20 Defendant does not respond to electronic monitoring or cannot be
21 found, the U.S. Probation Office shall forthwith notify the
22 United States Marshals' Service, who shall immediately find,
23 arrest and detain the Defendant. The Defendant shall pay all or
24 part of the cost of the program based upon ability to pay as
25 determined by the U.S. Probation Office.

26 ☐ **GPS Monitoring.** The Defendant shall participate in a program
27 of GPS confinement. The Defendant shall wear, at all times, a
28 GPS device under the supervision of U.S. Probation. In the event

1 the Defendant does not respond to GPS monitoring or cannot be
2 found, the U.S. Probation Office shall forthwith notify the
3 United States Marshals' Service, who shall immediately find,
4 arrest and detain the Defendant. The Defendant shall pay all or
5 part of the cost of the program based up ability to pay as
6 determined by the U.S. Probation Office.

7 ☐ **Curfew.** Defendant shall be restricted to his/her residence:

8 ☐ every day from _____ to _____

9 ☐ as directed by the Pretrial Services Office

10 ☒ **Home detention.** Defendant shall be restricted to his/her
11 residence at all times except for ~~employment~~ education,
12 religious services; medical, substance abuse, or mental health
13 treatment; attorney visits; court appearances; case-related
14 matters; court-ordered obligations; or other activities as pre-
15 approved by the Pretrial Services Office or supervising officer.
16 ☐ Maintain residence at a halfway house or community corrections
17 center, as deemed necessary by the Pretrial Services Office or
18 supervising officer.

19 DATED March 11, 2009.

20 
21 _____
22 CYNTHIA IMBROGNO
23 UNITED STATES MAGISTRATE JUDGE
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25
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27
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